

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4

February 18, 2021

By: Pugh

An Act relating to alcoholic beverage licensees; amending Section 149, Chapter 366, O.S.L. 2016, as amended by Section 8, Chapter 205, O.S.L. 2017 (37A O.S. Supp. 2020, Section 6-109), which relates to prohibited acts of certain licensees; authorizing transport of alcoholic beverages in certain common areas for certain licensees; allowing ABLE Commission to designate common drinking areas for certain licensees; requiring notice of consent for common areas of certain licensees; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 149, Chapter 366, O.S.L. 2016, as amended by Section 8, Chapter 205, O.S.L. 2017 (37A O.S. Supp. 2020, Section 6-109), is amended to read as follows:

Section 6-109. No mixed beverage, beer and wine, bottle club, caterer, charitable event, public event or special event licensee or any employee, manager, operator or agent thereof shall:

1. Consume or be under the influence of alcoholic beverages during the hours he or she is on duty. For the purposes of this section, licensees will be deemed to be on duty from the time the

1 licensee first comes on duty until the time the licensee goes off  
2 duty at the end of the shift, including any break periods permitted  
3 by management. This paragraph shall not apply to any person who  
4 works on the premises as an entertainer only;

5 2. Permit or tolerate any conduct or language which is intended  
6 to threaten another with physical harm or any fighting or offensive  
7 physical contact, in or upon the licensed premises or areas just  
8 outside the licensed premises which are controlled by the licensee;

9 3. Permit empty or discarded alcoholic beverage containers to  
10 be in public view outside the licensed premises. All empty or  
11 discarded containers shall be disposed of in accordance with ABLE  
12 Commission rules and regulations;

13 4. Permit any illegal gambling activity, violations of the  
14 state narcotic and dangerous drug laws, prostitution activity or any  
15 other criminal conduct to occur on the licensed premises;

16 5. Refuse or fail to promptly open a door to the licensed  
17 premises upon request of an employee of the ABLE Commission or any  
18 other peace officer to enter the premises when the licensee or  
19 employee knows or should know that such request is made by an  
20 employee of the ABLE Commission or a peace officer. This provision  
21 shall not be construed to deny employees of the ABLE Commission or  
22 peace officers access at any time to any licensed premises;

23 6. Permit a sealed or unsealed container of alcoholic beverage  
24 to be removed from the licensed premises. Provided, that

1 restaurants, hotels and motels may permit the removal of closed  
2 original wine containers the contents of which have been partially  
3 consumed and bottle clubs may permit the removal by a club member of  
4 closed original containers of alcoholic beverages belonging to  
5 members. The provisions of this paragraph shall not be construed to  
6 prohibit or restrict:

7       a. hotels or motels who are holders of mixed beverage or  
8       on-premises beer and wine licenses from allowing  
9       alcoholic beverages to be served away from the bar  
10      area anywhere on the licensed premises,

11      b. licensees, who are lawfully operating in a facility or  
12      on property owned or operated by any agency, political  
13      subdivision or public trust of this state, from  
14      allowing persons to transport alcoholic beverages from  
15      one licensed premises to another within the same  
16      building or property, provided that the building or  
17      property or a part thereof is defined as a common  
18      drinking area for consumption of alcohol by resolution  
19      of the governing body of the agency, political  
20      subdivision or public trust of this state, or

21      c. licensees, who are licensed to operate in a facility  
22      or on property owned or operated by any agency,  
23      political subdivision or public trust of this state,  
24      from allowing other licensees to operate on their

1 licensed premises for events that are temporary in  
2 nature. In the event that multiple licensees are  
3 operating in a facility or on property owned or  
4 operated by any agency, political subdivision or  
5 public trust of this state, each licensee shall be  
6 responsible for violations occurring in their area  
7 designated to be their temporary licensed premises; ~~or~~  
8 d. licensees, who are lawfully operating in a facility or  
9 property intended for multiple licensed premises  
10 within the facility and also contains a common use  
11 area, from allowing persons to transport alcoholic  
12 beverages from one licensed premises to the common use  
13 area, which shall be designated by the ABLE Commission  
14 as a common drinking area for the consumption of  
15 alcoholic beverages. Provided, further, the property  
16 owner and all licensees licensed within the facility  
17 or property desiring a common use area be designated a  
18 common drinking area shall notify the ABLE Commission  
19 in writing of their consent prior to such area being  
20 designated a common drinking area; or

21 7. Destroy, damage, alter, remove or conceal potential  
22 evidence, or attempt to do so, or refuse to surrender evidence when  
23 lawfully requested to do so by an inspector, agent or any other  
24 peace officer or incite another person to do any of the above.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
February 18, 2021 - DO PASS